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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/736,567	12/17/2003	Chih-Hsiung Yu	YUCH3023/EM	9075

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EXAMINER
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SMITH, TERRI L

ART UNIT	PAPER NUMBER
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3762

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PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

73

<b>Office Action Summary</b>	Application No. 10/736,567	Applicant(s) YU ET AL.	
	Examiner Terri L. Smith	Art Unit 3762	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 18 September 2006.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration:
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 18 September 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Response to Arguments*

1. Applicant's arguments filed on 18 September 2006 with respect to claims 1-14 have been considered but are moot in view of the new ground(s) of rejection necessitated by amendment.

### *Claim Rejections - 35 USC § 112*

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter, which the Applicant regards as his invention.

3. Claim 14 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention. In claim 14, the term "corresponds to the number of circles" is vague. It is unclear what is meant by corresponds to the number of circles. Does Applicant mean an unequal number of coil windings or a particular ratio of coil windings that corresponds to another particular ratio of coil windings, or the number of circles that make up the coil windings, etc.?

### *Claim Rejections - 35 USC § 102*

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office Action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1-14 are rejected under 35 U.S.C. 102(b) as being anticipated by Paul et al., U.S. Patent 5,697,958.
6. Regarding claims 1-4 and 7-14, Paul et al. disclose at least one circuit board (e.g., column 8, line 15); a first coil and a second coil windings electrically connected (e.g., FIG. 8,

Art Unit: 3762

elements 232 and 234; column 14, lines 30–49, 51–52 and; FIGS. 1–5 and 9 column 6, lines 3–26; column 17, lines 32–33).

7. With respect to claims 5 and 6, Paul et al. disclose one second coil axis comprises two second coil axes (e.g., column 15, lines 7–11).

8. Claims 1, 2, 3, 4, 7, 8, 12 and 14 are rejected under 35 U.S.C. 102(b) as being anticipated by Renken, U.S. Patent 6,009,350.

9. Regarding claims 1, 2, 3, 4, 7, 8 and 14, Renken discloses at least one circuit board (e.g., FIG. 10A, element 101); a first and second coil windings electrically connected (e.g., FIGS. 2–3; FIG. 10A, elements 102 and 103); a magnetic sensor is made of a ferrite core (e.g., column 11, line 2).

10. With respect to claim 12, Renken discloses a RF antenna set and a transmitter for controlling the action of a RF antenna set (e.g., column 8, lines 56–60).

***Claim Rejections - 35 USC § 103***

11. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office Action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

12. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the Examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out

Art Unit: 3762

the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the Examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

13. Claims 1–14 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Säynäjäkangas, U.S. Patent 4,625,733 and in view of Paul et al., U.S. Patent 5,697,958.

14. Regarding claims 1–4, 7–11 and 14, Säynäjäkangas discloses a first and a second coil winding electrically connected (e.g., Figs. 1–7; column 3, lines 1–4), but not at least one circuit board. However, Paul et al. disclose at least one circuit board (e.g. column 8, line 15) to provide a robust, reliable and stable means on which to mount circuitry to ensure the longevity and integrity of the performance of the device. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the invention of Säynäjäkangas to include at least one circuit board, as taught by Paul et al. to provide a robust, reliable and stable means on which to mount circuitry to ensure the longevity and integrity of the performance of the device.

15. Säynäjäkangas is capable of being implanted because the device is shown mounted on the chest receiving ECG signals and implantable devices that receive ECG signals are commonly used which would make the device of Säynäjäkangas capable of being implanted inside of the chest cavity. Additionally, Applicant has not claimed a specific size of the device and the device of Säynäjäkangas appears that it could be the same size of the Applicant's device.

16. With respect to claims 5–6 and 12–13, Säynäjäkangas discloses the essential features of the claimed invention as described above except for one second coil axis comprises two second coil axes (claims 5–6) and a RF antenna set and a controller having a third control circuit (claims

Art Unit: 3762

12-13). However, Paul et al. disclose one second coil axis comprises two second coil axes (e.g., column 15, lines 7-11) and a RF antenna set and a controller having a third control circuit (e.g., FIGS. 2-3; column 6, lines 8-12; column 8, lines 31-52) both to enhance and maximize the device's ability to handle signal communication. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the invention of Säynäjäkangas to include one second coil axis comprises two second coil axes and a RF antenna set and a controller having a third control circuit, as taught by Paul et al. to enhance and maximize the device's ability to handle signal communication.

### *Conclusion*

17. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office Action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this Final Action is set to expire **THREE MONTHS** from the mailing date of this Action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this Final Action and the Advisory Action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the Advisory Action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the Advisory Action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this Final Action.

Art Unit: 3762

Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Terri L. Smith whose telephone number is (571) 272-7146. The Examiner can normally be reached on 7:30 a.m. - 4:30 p.m..


If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, Angela Sykes can be reached on (571) 272-4955. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

  
TLS

May 17, 2007

17 May 2007

  
GEORGE R. EVANISKO  
PRIMARY EXAMINER

5/21/7